

REMARKS

Claims 1-11 were presented and examined. In response to the Office Action, Claims 1 and 8 are amended, no claims are cancelled and no claims are added. Applicants respectfully request reconsideration of pending claims in view of the above amendments and the following remarks.

I. Claim Rejections – 35 USC § 103

Claims 1-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2004/0186713 issued to Gomas et al. (“Gomas”) in view of U.S. Patent Publication No. 2003/0041110 issued to Wenocur et al. (“Wenocur”). Claims 4-7, 10 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gomas in view of Wenocur as applied to Claim 1 above and further in view of U.S. Patent Publication No. 2008/0086564 issued to Putman et al. (“Putman”).

To determine obviousness of a claim: (1) factual findings must be made under the factors set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966); and (2) the analysis supporting the rejection under 35 U.S.C. § 103 should be made explicit and there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. See MPEP §§ 2141(II), 2141(III), and 2142; KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385, 1396; see e.g., MPEP § 2143 (providing a number of rationales which are consistent with the proper “functional approach” to the determination of obviousness as laid down in Graham).

In regards to the rejection of claim 1 under 35 U.S.C. § 103, this claim has been amended to recite “a voice and text conversion unit for converting data received from the open API communication server unit into voice and/or text having a format of requested service data depending on the characteristics of the disabled person, and returning the voice and/or text to the open API communication server unit, wherein the voice and text conversion unit performs voice and/or text conversion if the open API communication server unit determines the communication characteristics of the terminal unit and the opposite terminal unit are different” (emphasis added). These amendments are supported, for example, by page 15, line 10 through page 17, line 20 and

Figure 4 of the Application as filed. The Applicants submit that the combination of Gomas and Wenocur fails to disclose these elements of amended claim 1.

Gomas discloses modifying contents of a message such that it may be displayed to a disabled individual. See Gomas, Abstract. However, Gomas does not disclose selectively modifying text and/or voice relative to the capabilities/characteristics of multiple communicating terminals, because Gomas is silent as to modifying messages relative to terminal capabilities. Instead, modifications are performed based solely on the substantive contents of the message regardless of the capabilities of receiving or transmitting communication terminals. Thus, Gomas fails to disclose these elements of amended claim 1. Further, Wenocur fails to cure the deficiencies of Gomas.

Wenocur discloses communications between two remote terminals. See Wenocur, Abstract. Messages that are communicated between the remote terminals are modified relative to the performance capabilities of the receiving terminal. See Wenocur, Paragraph [0011]. However, Wenocur fails to disclose modifying/converting messages relative to the differences in capabilities/characteristics between the sending and receiving terminals, because instead messages in Wenocur are modified only based on the receiving terminal and not the transmitting terminal as recited in amended claim 1 (*i.e.* opposite terminal).

In the communication service system of amended claim 1, a clear standard is provided for determining when message modifications are made. Specifically, the capabilities/characteristics of each terminal are analyzed to determine differences. If no differences are detected, then no modifications should be made to messages communicated between these terminals. However, if differences are detected, then messages should be modified. By modifying messages based on the difference in capabilities in transmitting and receiving terminals, the communication service system of amended claim 1 can effectively and efficiently present messages to disabled users without requiring modification of legacy communication terminals. By failing to disclose these elements of amended claim 1, the combination of Gomas and Wenocur fails to disclose each element of amended claim 1.

Additionally, the Applicants provide the following remarks regarding the differences and advantages of the present invention in relation to the cited prior art.

1. General Purpose of Present Invention

The present invention relates to a communication service system, based on open API for communicating between a non-disabled person and a disabled person or with disabled people in general.

2. Differences Between the Present Invention and that of the Cited Prior Art

Gomas merely discloses a one way transformation engine 127 for transforming speech to text. However, the present invention transforms, bi-directionally, speech to text or text to speech.

Further, the transformation engine 127 of Gomas is within a portable electronic device, and thus the engine 127 is not able to easily change engines or be updated by a server or service provider. In contrast, the present invention is based on open API and the transformation service of the present invention is provided from outside of a terminal through a network. Thus, the transformation service of the present invention is easily changed and may be updated by server or service provider in the interests of user convenience. Furthermore, the transfer engine of Gomas has no regard for the characteristics of the user and the terminal.

The Story server of Wenocur, on the other hand, provides a pre-made story set to a user terminal when the server receives a response regarding a logical element from the user terminal. Thus the story set of Wenocur is always made based on characteristics of a user. Additionally, the story server of Wenocur does not support communications with disabled people or between a non-disabled person and a disabled person, because the server does not transform arbitrary speech to text or arbitrary text to speech instantly and in real time.

3. Advantages Of Present Invention Over the Cited Prior Art

The open API server of the present invention routes the transformation service to an API server or API service provider based on characteristics, registered at the open API server, of a user terminal when the open API server receives a user terminal request. Thus, the open API server of the present invention does not transform speech to text or text to speech, rather, it is merely a communication server or a transmitting server that reduces the system load of the open API server.

Thus, for at least the reasons provided above, the combination Gomas and Wenocur fails to disclose each element of amended claim 1. According to MPEP §2143.03, “[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Therefore, amended claim 1 is not obvious in view of the combination Gomas and Wenocur. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1 on this basis.

In regard to claim 8, this claim has been amended to recite elements analogous to those of amended claim 1. For at least the reasons discussed above in relation to claim 1, the combination of Gomas and Wenocur fails to disclose these elements of amended claim 8. Therefore, amended claim 8 is not obvious in view of the combination Gomas and Wenocur. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of claim 8 on this basis.

In regard to claims 2-7 and 9-11, these claims depend from independent claims 1 and 8, respectively, and incorporate the limitations thereof. The Examiner's argument assumes that the combination of Gomas and Wenocur discloses all elements of amended claims 1 and 8 which are incorporated in dependent claims 2-7 and 9-11. However, as discussed above, the combination of Gomas and Wenocur does not disclose all the limitations of amended claims 1 and 8. Further, the Examiner has not cited and we have been unable to locate any sections of Putman which cure the deficiencies of Gomas and Wenocur. Therefore, claims 2-7 and 9-11 are not obvious in view of the cited prior art. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of claims 2-7 and 9-11 on this basis.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

PETITION FOR EXTENSION OF TIME

Per 37 C.F.R. 1.136(a) and in connection with the Office Action mailed on May 26, 2010, Applicants respectfully petition Commissioner for a two (2) month extension of time, extending the period for response to October 26, 2010. The amount of \$245.00 to cover the petition filing fee for a 37 C.F.R. 1.17(a)(2) small entity will be charged to our Deposit Account No. 02-2666.

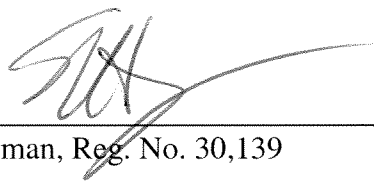
Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated

10/26/2010

By:

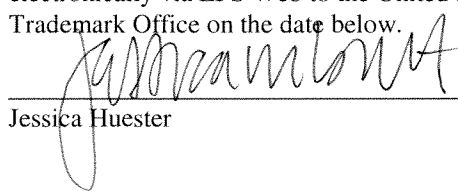


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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web to the United States Patent and Trademark Office on the date below.


Jessica Huester

2010-10-26
Date